Supreme Court, U.S.
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Nos. 85-1377, 85-1378, and 85-1379

In the Supreme Court of the United States

OCTOBER TERM, 1985

CHARLES A. BOWSHER, COMPTROLLER GENERAL OF THE UNITED STATES, APPELLANT

v.

MIKE SYNAR, MEMBER OF CONGRESS, ET AL.

UNITED STATES SENATE, APPELLANT

v.

MIKE SYNAR, MEMBER OF CONGRESS, ET AL.

THOMAS P. O'NEILL, JR., SPEAKER OF THE UNITED STATES HOUSE OF REPRESENTATIVES, ET AL., APPELLANTS

v.

MIKE SYNAR, MEMBER OF CONGRESS, ET AL.

ON APPEALS FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

MEMORANDUM FOR THE UNITED STATES

CHARLES FRIED
Solicitor General
Department of Justice
Washington, D.C. 20530
(202) 633-2217

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Appellants contend that the district court erred in declaring that the automatic deficit reduction process established by the Balanced Budget and Emergency Deficit Control Act

of 1985, Pub. L. No. 99-177, is unconstitutional on the ground that it vests executive power in the Comptroller General, an officer removable by Congress under 31 U.S.C. 703(e). In our view, the district court's conclusion that the Act is unconstitutional in this respect is correct. Nonetheless, we believe that the question is substantial and that plenary review by this Court is warranted.

It is therefore respectfully submitted that probable jurisdiction should be noted.

CHARLES FRIED
Solicitor General

FEBRUARY 1986

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